

SENATE BILL 3479

By Jackson

AN ACT to enact the "Rural Land Protection Act".

WHEREAS, the general assembly has determined that it is a fundamental and appropriate public policy to protect activities when commenced that were appropriate for the area, but have later become objectionable due to the urbanization of the area, failure of a governmental entity to enforce regulations at time activity commenced, or the enactment of subsequent land use regulations, and such uses shall not be restricted once having commenced and specifically to prohibit new purchasers of adjacent or nearby properties to insist upon the restriction or abolishment of activities that existed at the time of the purchase of their properties; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. As used in this act, "activity" includes the following: raceways, drag strips, golf driving ranges, quarries, shooting ranges, motocross courses, farm activities, normal farming activities, hunting clubs, horse riding stables, etc. Other activities that are similar shall also be protected in accordance with the doctrine of *sui generis*.

SECTION 2. Where a property has been utilized for an activity that is visible, open, and obvious, no person or governmental entity may bring any action or seek to enjoin or restrict or abolish such use where the established use has been in existence for seven (7) years. The landowner is declared to be immune from the enforcement of any governmental regulations or any doctrine of nuisance notwithstanding whether the use was a permitted use at the time it began.

SECTION 3. Any landowner who is sued for alleged nuisance or other efforts to restrict or curtail the use of property in violation of this section shall be entitled to recover such landowner's reasonable attorney's fees and costs to defend such action from any private individual or other entity or governmental unit.

SECTION 4. Any purchaser of adjacent property or nearby property who seeks to enjoin, restrict or curtail the activities of the landowner described herein shall be barred as a matter of law and shall be deemed to have "come to the nuisance" and shall be estopped as a matter of law from complaining of the existing use of the property.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.